

U.S. Patent Application Serial No. **10/049,649**
Amendment filed February 1, 2005
Reply to OA dated November 2, 2004

REMARKS:

Claims 1-3 and 5-10 are currently being considered, of which claims 1 and 5 have been amended. No new claims have been added. Applicants believe that no new matter has been introduced.

Claims 7, 9, and 10 stand allowed.

Applicants and Applicants' attorney thank Examiner Tupper for the Interview courteously granted January 11, 2005. The special attention the Examiner paid to the instant application is noted with appreciation. Items discussed during the Interview include: USP 6,233,114 (**Komatsu**); features in claim 1 including the engaging piece and extending part; and the rejection of claim 1 set forth in the Office Action mailed November 2, 2004.

The Examiner has rejected claim 4 under the second paragraph of 35 USC 112 as being indefinite. However, Applicants respectfully believe that the Examiner meant to reject claim 5 instead of claim 4. Claim 5 has been amended to correct the dependency. Thus, Applicants respectfully submit that this rejection should be withdrawn.

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Before turning to the cited art, a brief review of the present invention is in order. The present invention relates to a disk drive apparatus with an engaging piece having an extending part in the thickness direction of a metallic sheet material, wherein the thickness of the cross-section of the extending part is larger than the thickness of the cross-section of the engaging piece, as measured in the horizontal direction. The extending part 69c is depicted in FIG. 11E, and is discussed in the specification on page 39, lines 14, for example. The extending part 69c has a function of adjusting a clearance.

Claims 1-3, 5, 6, and 8 stand rejected under 35 USC 102(e) as anticipated by USP 6,233,114 (Komatsu).

Applicants respectfully traverse this rejection.

Komatsu fails to expressly or inherently describe the following features of claim 1, as amended: “wherein the thickness of the cross-section of the extending part is larger than the thickness of the cross-section of the engaging piece, as measured in the horizontal direction”, in combination with the other claimed features.

Thus, Applicants respectfully submit that this rejection should be withdrawn.

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Furthermore, **Komatsu** fails to teach or suggest the following features of claim 1, as amended: “wherein the thickness of the cross-section of the extending part is larger than the thickness of the cross-section of the engaging piece, as measured in the horizontal direction”, in combination with the other claimed features. Applicants respectfully believe that the combination of features set forth in claim 1, as amended, are not taught or suggested by **Komatsu** and would not have been obvious to one of ordinary skill in the art at the time the invention was made.

Applicants respectfully request entry of the foregoing amendments under 37 CFR 1.116. The foregoing amendments comply with the requirements of form expressly set forth in the previous Office Action and place rejected claims in better form. The above amendments were not earlier presented because they were prepared in view of the Office Action dated November 2, 2004 and the Interview of January 11, 2005.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants’ undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In view of the aforementioned amendments and accompanying remarks, all claims currently being considered are in condition for allowance, which action, at an early date, is requested.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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